



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

MAY 19 2000

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 8008
(SIXTH REVISION)

EXPIRATION DATE: April 30, 2002

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Wheaton USA, Inc.
(Former Grantee: Lawson Mardon Wheaton, Inc.)
Millville, New Jersey
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, marking and sale of the packaging described in paragraph 7 below for use in the transportation of the commodity described in paragraph 6 below. This exemption provides no relief from any regulation other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.305 and 173.306(a) in that the packaging is a non-DOT specification aerosol container; and § 175.3.
5. BASIS: This exemption is based on the application of Wheaton USA, Inc., dated April 26, 2000, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Consumer Commodity	ORM-D	N/A	N/A

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

Packaging prescribed is a non-DOT specification aerosol container consisting of a glass bottle externally coated with plastic, complying with Wheaton USA Inc.'s drawing No. DE-22834D dated September 7, 1979 having a nominal volumetric capacity not less than 4 but not exceeding 5 ounces (fluid). In addition:

1. One of each 1,000 bottles must be tested to 250 psig without failure.
2. One out of each lot of 20,000 bottles or less successively produced must be pressurized to burst. Burst pressure must not be less than 300 psi. One bottle out of this lot that is fully charged must be dropped to an unyielding surface from a height of 4 feet without flying glass or shattering effect. Should either of the two bottles fail, 10 additional bottles may be tested for each test that failed. Failure of any of these 10 samples would reject the entire lot. A lot consists of bottles successively produced in one shift, that are of the same size, design, construction, finish, material and quality.
3. One bottle out of each 1,000 bottle lot, fully charged, must be heated so that the pressure in the container is equivalent to the equilibrium pressure of the contents at 130 F. without evidence of leakage or other defect.
4. Bottles must be packaged in strong outside packagings so as to prevent breakage and protect the bottle from accidental functioning of and damage to the valves under conditions normally incident to transportation.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modifications or changes are made to the package and it is offered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger aircraft.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel, or aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.



For

Robert A. McGuire
Acting Associate Administrator
for Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM